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6 KINGSLEY CAPITAL MANAGEMENT, LLC and  
7 BRUCE PAINE KINGSLEY MD IRA ROLLOVER

8 **UNITED STATES DISTRICT COURT**  
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

10 Kingsley Capital Management, LLC, an  
11 Arizona limited liability company, and Bruce  
12 Paine Kingsley MD IRA Rollover,

13 Plaintiffs,

14 vs.

15 SDH Realty, Inc., a Kentucky corporation,

16 Defendant.

17 Kingsley Capital Management, LLC, an  
18 Arizona limited liability company, and Bruce  
Paine Kingsley MD IRA Rollover,

19 Plaintiffs,

20 vs.

21 Wilbur A. Huff, an individual,

22 Defendant.

CASE NO.: CV 11 80 091 MISC

**ORDER GRANTING JUDGMENT  
CREDITORS' EX PARTE  
APPLICATION FOR ORDER OF  
EXAMINATION OF BRIAN NELSON  
SLY, BRIAN SLY AND COMPANY, AND  
BRIAN SLY AND COMPANY, INC. IN  
AID OF ENFORCEMENT OF  
JUDGMENT, AND ORDER TO APPEAR  
FOR EXAMINATION**

[F.R.C.P. Rule 69; California Code of Civ.  
Proc. §§ 708.120 and 708.130; Northern  
District Local Rule 7-10]

Honorable Magistrate Judge Nandor J. Vadas

24 **TO: BRIAN NELSON SLY, BRIAN SLY AND COMPANY, AND BRIAN SLY AND  
25 COMPANY, INC.**

26 The *Ex Parte* Application of plaintiffs and judgment creditors Kingsley Capital  
27 Management, LLC ("KCM") and Bruce Paine Kingsley MD IRA Rollover ("Kingsley IRA") for

1 Order of Examination of Brian Nelson Sly, Brian Sly and Company, and Brian Sly & Company,  
2 Inc. In Aid of Enforcement of Judgment was filed with the Court on June 8, 2011, pursuant to  
3 Rule 69 of the Federal Rules of Civil Procedure, Sections 708.120 and 708.130 of the California  
4 Code of Civil Procedure and Rule 7-10 of the Local Rules of the U.S. District Court for the  
5 Northern District of California (the “*Ex Parte* Application”). The Court having considered the *Ex*  
6 *Parte* Application and supplemental materials submitted in support thereof and good cause  
7 appearing:

8 IT IS ORDERED THAT:

- 9       1. Brian Nelson Sly, Brian Sly and Company, and Brian Sly & Company, Inc. shall  
10      appear personally before this Court, or before a referee appointed by this Court, to  
11      answer concerning property of the judgment debtors SDH Realty, Inc. and Wilbur  
12      Anthony Huff (collectively, “Judgment Debtors”) in your possession or control or  
13      concerning a debt you owe the Judgment Debtors. The examinations shall take place  
14      on Thursday, December 1, 2011, commencing at 8:30 AM and on Friday, December  
15      2, 2011, commencing at 8:30 AM, until completed at the United States District Court  
16      for the Northern District of California, San Francisco Courthouse, 16<sup>th</sup> Floor, 450  
17      Golden Gate Avenue, San Francisco, CA 94102. Parties are to report to chambers of  
18      Magistrate Judge Nandor Vadas at 8:30 AM on each of December 1 and December 2,  
19      2011.
- 20       2. In aid of this Order of Examination the Court hereby authorizes: (1) the issuance of the  
21      subpoena to testify in a civil action and to produce documents to Brian Nelson Sly in  
22      the form attached hereto as Exhibit A; (2) the issuance of the subpoena to testify in a  
23      civil action and to produce documents to Brian Sly and Company in the form attached  
24      hereto as Exhibit B; and (3) the issuance of the subpoena to testify in a civil action and  
25      to produce documents to Brian Sly and Company, Inc. in the form attached hereto as  
26      Exhibit C.

27      The Court hereby adopts the findings and conclusions set forth in its Order in this matter  
28      dated September 8, 2011, a copy of which is attached hereto and incorporated herein.  
  

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1 THIS ORDER MUST BE SERVED ON THE JUDGMENT DEBTORS, BRIAN NELSON SLY,  
2 BRIAN SLY AND COMPANY, AND BRIAN SLY AND COMPANY, INC. NOT LESS THAN  
3 10 DAYS BEFORE THE DATE SET FOR EXAMINATION ABOVE IN ACCORDANCE  
4 WITH CALIFORNIA CODE OF CIVIL PROCEDURE §708.120.

5 IT IS SO ORDERED.

6 Dated: September 22, 2011



7  
8 Nandor J. Vadas

9 United States Magistrate Judge

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11 [Statutory Notices: California Code of Civil Procedure §708.120(e)]

12 **NOTICE TO PERSON SERVED.** If you fail to appear at the time and place  
13 specified in this order, you may be subject to arrest and punishment for  
14 contempt of court and the court may make an order requiring you to pay the  
15 reasonable attorney's fees incurred by the judgment creditor in this  
16 proceeding.

17  
18 **NOTICE TO JUDGMENT DEBTOR.** The person in whose favor the  
19 judgment was entered in this action claims that the person to be examined  
20 pursuant to this order has possession or control of property which is yours or  
21 owes you a debt. This property or debt is as follows: Amounts received by you  
22 since March 14, 2008, from Wilbur A. Huff and SDH Realty, Inc. as described  
23 and referenced in the "Investment Opportunity and Risk Disclosure" dated  
24 February 2, 2008, and the "Investment Opportunity and Risk Disclosure"  
25 dated May 17, 2008, copies of which are attached hereto. If you claim that all  
26 or any portion of this property or debt is exempt from enforcement of the  
27 money judgment, you must file your exemption claim in writing with the court  
28 and personally serve a copy on the judgment creditor not later than three days

1 before the date set for the examination. You must appear at the time and place  
2 set for this examination to establish your claim of exemption or your  
3 exemption may be waived.

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5 **APPEARANCE OF A CORPORATION, PARTNERSHIP, ASSOCIATION,**  
6 **TRUST, OR OTHER ORGANIZATION.** It is your duty to designate one or  
7 more of the following to appear and be examined: officers, directors,  
8 managing agents, or other persons who are familiar with your property and  
9 debts.

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